

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SABRINA KELLY,

Plaintiff,

v.

UNITED STATES GOVERNMENT, *et*
al.,

Defendants.

CASE NO. 3:24-cv-05674-BHS

REPORT AND RECOMMENDATION

Noting Date: October 22, 2024

The District Court has referred Plaintiff Sabrina Kelly's pending Application to Proceed *In Forma Pauperis* ("IFP") and Proposed Complaint to United States Magistrate Judge Grady J. Leupold pursuant to Amended General Order 11-22.

On August 16, 2024, Plaintiff filed a Proposed Complaint and an Application to Proceed IFP, that is, without paying the filing fee for a civil case. *See* Dkts. 1, 1-1. On August 20, 2024, the Court screened Plaintiff's Proposed Complaint and found it was deficient because Plaintiff failed to state a claim upon which relief may be granted. *See* Dkt. 2. In that Order, the Court gave Plaintiff leave to file an amended complaint to cure the deficiencies by September 20, 2024, and re-noted the pending IFP Application. *Id.* The Court warned that failure to file a proposed

1 amended complaint would result in the Court recommending the dismissal of this matter without
2 prejudice. *Id.*

3 Plaintiff has failed to comply with the Court's August 20, 2024, Order. She has not filed
4 a proposed amended complaint correcting the deficiencies contained within the Proposed
5 Complaint or otherwise responded to the Court's Order. As Plaintiff has failed to respond to the
6 Court's Order and prosecute this case, the Court recommends this case be **DISMISSED without**
7 **prejudice** and the IFP Application (Dkt. 1) be **DENIED as moot**.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), the parties
9 shall have fourteen (14) days from service of this report to file written objections. *See also* Fed.
10 R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
11 *de novo* review by the district judge, *see* 28 U.S.C. § 636(b)(1)(C), and can result in a waiver of
12 those objections for purposes of appeal. *See Thomas v. Arn*, 474 U.S. 140, 142 (1985); *Miranda*
13 *v. Anchondo*, 684 F.3d 844, 848 (9th Cir. 2012) (citations omitted). Accommodating the time
14 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on October
15 22, 2024, as noted in the caption.

16 Dated this 8th day of October, 2024.

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19 Grady J. Leupold
20 United States Magistrate Judge
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